



**Plainville Zoning Board of Appeals
Minutes of 02/21/2023**

2023 MAR 22 AM 8:51

A meeting of the Plainville Zoning Board of Appeals (ZBA) was held on 02/21/2023. The meeting was held at the Plainville Town Hall. The meeting was opened at 6:16 pm and was recorded.

Board members present:

Richard Guillette, Raymond Loughlin (in person).

Members Allegra Almeida, William Mackie & Philip Sibilias attended remotely via Zoom.

Board members absent/late:

None

Staff: Chris Yarworth, Director of Planning & Development

All votes were taken by roll call due to the remote participation of three members.

Meeting status: New Public Hearing

Time: 6:17 p.m.

Project: 5 Highland Avenue – Elena Voshchin

The application of Elena Voshchin to construct a 520 sf., two story addition in order to convert a single-family house to a two-family house. The parcel is located at 5 Highland Ave., Plainville, (Plainville Assessors Plat 11B Lot 50) in the RC zoning district. The application is for a finding under §500-28 of the Plainville Zoning By-Law, and to provide any additional zoning relief as may be determined necessary during the public hearing for the work shown on the submitted plans.

Acting on Application: Almeida, Guillette, Loughlin, Mackie, Sibilias.

Applicant/Rep Present: Edward Voshchin
Nick Facendola, Level Design Group

Information submitted:

- a. Application Form for §500-28/Sec. 6 Finding dated 02/01/2023 and filed with the Town Clerk on 02/01/2023.
- b. “Certified Plot Plan, 5 Highland Avenue, Plainville, MA” prepared by Level Design Group, dated 01/31/2023.
- c. CAI Property Card
- d. Certified abutters list
- e. Copy of Deed Book 40298 Page 526, Norfolk County Registry of Deeds.
- f. Copy of Plan Book 148 Page 1205, Norfolk County Registry of Deeds.

Discussion: Mr. Facendola presented the proposal. The Applicant proposes to construct an addition at the rear of her existing single-family house in order to create a second unit. The lot

has less than the currently required frontage and area and therefore is non-conforming. The existing building, as well as the proposed addition, meet all current yard setback requirements. Duplex buildings are a permitted use in the RC zoning district. The requested permit under PGC §500-28(B)(2) is required because the lot has a non-conforming frontage and area, and the addition of the additional living unit precludes a permit being issued directly by the Building Inspector under PGC §500-28(B)(1). The application form and plan did not accurately reflect the proposed project. The addition will be two stories high, not one, and the increase in floor area will be 1,056 square feet, not 536 square feet. A second driveway, with two parking spaces, is proposed at the right side of the house, which was also not shown on the plan. A building façade plan was submitted during the hearing, showing a connection to the new unit by what appeared to be a two-story breezeway. There will be two bedrooms in each unit. The existing building is only one-story high.

Comments from the public were received as follows:

<u>Name</u>	<u>Address</u>	<u>Comments</u>
Bonnie Flynn	74 East Bacon St.	Had questions about the legal ad. Concerned about large addition on small lot. Building will stand out and change the look of the neighborhood.
Steve Flynn	74 East Bacon St.	Asked about second driveway. Street parking is dangerous.
Shiloh Comes	6 Highland Ave.	Second driveway will be unattractive.
Chris Desprez	39 High St.	Asked whether neighborhood was mostly one or two-family units.
Tina Desprez	39 High St.	Asked about total number of bedrooms and units.
Valerie Comes	6 Highland Ave.	Asked about parking, and whether this was for a family or for rentals.
Tim Godfrey	7 Highland Ave.	Proposed size is larger than plans and application show.

After receiving the public input, the Board was likewise concerned about the size and scope of the project, as well as the lack, and inaccuracy, of the detail submitted. The Applicant was requested to clarify and refine the application. An extension form was signed for a continuation of the hearing to the next meeting.

Motion by Mr. Loughlin and seconded by Mr. Guillette to continue the public hearing to 03/21/2023. Approved 5-0-0 by roll call vote.

Status: Continued to 03/21/2023.

Meeting status: Continued Public Hearing
Time: 6:54 p.m.
Project: 353 $\frac{1}{2}$ South Street – South Street Realty Trust

The application of South Street Realty Trust for a Special Permit under Plainville Zoning By-Law Section 500-28, Changes in nonconforming use, and building Setback Variances under Section 500-6(C), to allow the applicant to construct a new two family building on an undersized lot to replace a razed building. Said parcel is located at 353 $\frac{1}{2}$ South Street, Assessors Plat 8 Lot 106 in the RC Zone.

Acting on Application: Almeida, Guillette, Loughlin, Mackie, Sibilgia.
(Note: Mr. Loughlin has completed a “Mullins Certificate” for the meeting he missed.)

Applicant/Rep Present: Frank Tibbetts

Information submitted:

- a. Email dated 12/19/2022 from applicant Frank Tibbetts requesting the hearing be continued to 01/17/2023 in order to allow the engineer for the abutting property to complete his property line survey.
- b. Email dated 01/10/2023 from applicant Frank Tibbetts requesting the hearing scheduled for 01/17/2023 be continued to the February meeting in order to allow the engineer for the abutting property to complete his property line survey.
- c. Letter from Dennis O’Brien of D. O’Brien Land Surveying dated 12/13/2022 stating notice of property line discrepancy with applicant’s survey plan.
- d. Plan by Dennis O’Brien of D. O’Brien Land Surveying dated 01/11/2023 entitled “Plan Showing Existing Conditions, 353 South Street, Plainville, MA Norfolk County” for owner Joseph B. Morel, 353 South Street, Plainville, MA 02762.

Discussion: Mr. Tibbetts discussed his application to build a new duplex building on a non-conforming lot. He had received a special permit and variance approval from the Board in 2018, which has since lapsed. Sometime soon after receipt of that permit, he had razed the existing duplex building due to public safety concerns. The hearing had been continued in order for abutter Joseph Morel to have a survey plan prepared of his lot. He disagreed with the property line shown on Mr. Tibbetts’ survey plan. A plan was received from Dennis O’Brien, PLS showing areas where there may be a discrepancy, but not showing his opinion of a definitive property line. A concern was raised about the legal ramifications of razing the existing house more than two years ago. Joe Morel, of 353 South Street, commented about the driveway turnaround and traffic safety, and stated he had no problem with the new building staying in the same footprint as the old building. Richard Farrand, of 353 South Street, said he was uncomfortable with the houses so close together, that the foundation was full of water, and that the lot is too narrow.

Mr. Tibbetts stated that the building foundation still existed, he had never abandoned the duplex use, and had been paying taxes throughout in his attempt to obtain a new permit. He offered to pay for an opinion from Town Counsel to assist the Board in clarifying the legal issues of the

existing situation. The Agent will compile information for Counsel's review, and obtain an estimated price for an opinion.

Motion by Mr. Loughlin and seconded by Mr. Guillette to continue the public hearing to 03/21/2023. Approved 5-0-0 by roll call vote.

Status: Continued to 03/21/2023.

General Business

Motion by Mr. Guillette and seconded by Mr. Mackie to approve the 11/17/2022 minutes. Approved 5-0-0 by roll call vote.

Motion by Mr. Guillette and seconded by Mr. Mackie to adjourn at 7:26 pm. Approved 5-0-0 by roll call vote.

Prepared by:

Christopher Yarworth
Director of Planning and Development